



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SHERRI R. CARTER
District Court Executive and
Clerk of Court

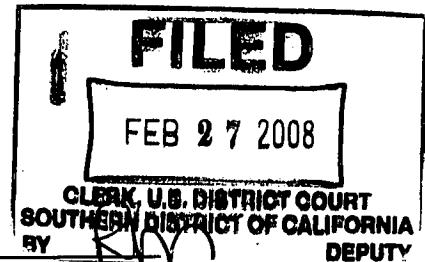
February 25, 2008

Clerk, United States District Court
Southern District of California
880 Front Street, Suite 4290
San Diego, CA 92101

'08 CV 0376 W CAB

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450



Re: Transfer of our Civil Case No. LACV08-00944 JVS (FMO)

Case Title: Genaro Sanguino v. Hidalgo

Dear Sir/Madam:

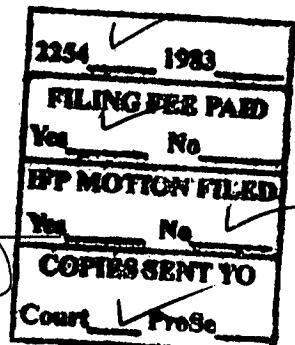
An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same and indicate below the case number you have assigned to this matter on the enclosed copy of this letter and return it to our office. Thank you for your cooperation.

NOTE: ELECTRONIC CASE FILING SYSTEM, CM/ECF. PLEASE BE ADVISED YOU MAY ACCESS THIS DATABASE.

OUR WEB SITE IS: <http://ecf.cacd.uscourts.gov>
PLEASE USE YOUR COURT'S PACER ACCOUNT
AND PASSWORD TO ACCESS THIS DOCUMENT.

Very truly yours,
SHERRI R. CARTER
Clerk, U.S. District Court

By Marlene Ramirez
Deputy Clerk



cc: All counsel of record

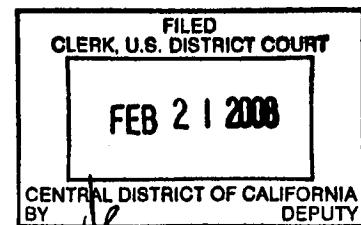
TO BE COMPLETED BY RECEIVING DISTRICT

Receipt is acknowledged of the documents described herein and we have assigned this matter case number CV: _____.

Clerk, U.S. District Court

By _____
Deputy Clerk

JS-4



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GENARO SANGUINO,

Petitioner,

v.

HIDALGO,

Respondent.

NO. CV 08-0944 JVS (FMO)

ORDER TRANSFERRING ACTION TO
UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF
CALIFORNIA

Petitioner, who is proceeding pro se, is presently confined at Shafter Community Correctional Facility, which is located in Kern County within the jurisdictional boundaries of the Eastern District of California. See 28 U.S.C. § 84(b). On February 12, 2008, petitioner filed a Petition for Writ of Habeas Corpus by a Person in State Custody ("Petition") pursuant to 28 U.S.C. § 2254. The Petition challenges a conviction and sentence entered against him in the San Diego County Superior Court, (see Petition at 2); see also <http://appellatecases.courtinfo.ca.gov/>, which is located within the jurisdictional boundaries of the Southern District of California. See 28 U.S.C. § 84(d).

A Petition for Writ of Habeas Corpus may be filed in the United States District Court of either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d). In addition, when a habeas petitioner is challenging his underlying conviction or sentence, the district court for the district in

1 which the petitioner was convicted and sentenced is a more convenient forum because of the
 2 accessibility of evidence, records and witnesses. See Bell v. Watkins, 692 F.2d 999, 1013 (5th
 3 Cir. 1982, as amended Feb. 28, 1983), cert. denied, 464 U.S. 843, 104 S.Ct. 142 (1983) (district
 4 court properly transferred habeas petition to district of conviction because, among other things,
 5 district of conviction "was the more convenient forum because of the accessibility of evidence");
 6 see also Patterson v. Mendoza-Powers, 2007 WL 1411550, at *1 (N.D. Cal. 2007) (A "petition
 7 challenging a conviction or the sentence imposed is preferably heard in the district of conviction.").

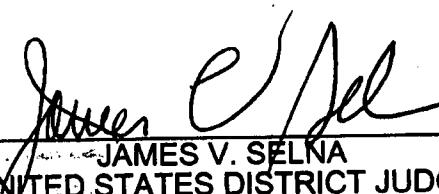
8 Here, petitioner is incarcerated in the Eastern District of California and was convicted in the
 9 Southern District of California. Thus, this matter could be heard in either the Eastern or the
 10 Southern District. See 28 U.S.C. § 2241(d); Solorio v. Evans, 2007 WL 121322, at *1 (N.D. Cal
 11 2007) ("venue is . . . proper in either the district of confinement or the district of conviction"). The
 12 Southern District is a more appropriate venue, however, because petitioner was convicted and
 13 sentenced in the Southern District. See Patterson, 2007 WL 1411550, at *1. Accordingly, in the
 14 interests of justice, the Court shall transfer the above-captioned action to the Southern District of
 15 California. See 28 U.S.C. § 1406(a).

16 Based on the foregoing, IT IS ORDERED THAT:

17 1. This action shall be transferred to the United States District Court for the Southern
 18 District of California. See 28 U.S.C. §§ 1406(a) & 2241(d).

19 2. The Clerk shall serve a copy of this Order upon petitioner and the California Attorney
 20 General.

21 DATED: 2. 21, 2008.


 22 JAMES V. SELNA
 23 UNITED STATES DISTRICT JUDGE

24
 25 I hereby attest and certify on 2-25-08
 26 that the foregoing document is a full, true
 27 and correct copy of the original on file in
 28 my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA


 29 Marlene Ramirez
 DEPUTY CLERK



194, CLOSED, TRANSFERRED

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:08-cv-00944-JVS-FMO**

Genaro Sanguino v. Hidalgo

Assigned to: Judge James V. Selna

Referred to: Magistrate Judge Fernando M. Olguin

Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 02/12/2008

Date Terminated: 02/21/2008

Jury Demand: None

Nature of Suit: 530 Habeas Corpus (General)

Jurisdiction: Federal Question

Petitioner

Genaro Sanguino

represented by **Genaro Sanguino**
CDC F-82737
1150 E Ash Street
Shafter, CA 92363
PRO SE

V.

Respondent

Hidalgo

Date Filed	#	Docket Text
02/12/2008	1	PETITION for Writ of Habeas Corpus by a Person In State Custody (28:2254) Case assigned to Judge James V. Selna and referred to Magistrate Judge Fernando M. Olguin. (Filing fee \$ 5 PAID.), filed by Petitioner Genaro Sanguino. (et) Additional attachment(s) added on 2/19/2008 (et,). (Entered: 02/19/2008)
02/12/2008	2	NOTICE OF REFERENCE TO A U.S. MAGISTRATE JUDGE. Pursuant to the provisions of the Local Rules, the within action has been assigned to the calendar of Judge James V. Selna and referred to Magistrate Judge Fernando M. Olguin to consider preliminary matters and conduct all further matters as appropriate. The Court must be notified within 15 days of any change of address. (et) (Entered: 02/19/2008)
02/21/2008	3	ORDER by Judge James V. Selna transferring case to United States District Court for the Southern District of California. Certified copy of the transfer order and docket sheet sent. (MD JS-6. Case Terminated.) (Attachments: # 1 Transmittal Letter) (mr) (Entered: 02/25/2008)
02/25/2008		TRANSMITTAL of documents - certified copy of the order and the docket sheet to USDC Southern District of California. (mr) (Entered:

02/25/2008)

PACER Service Center			
Transaction Receipt			
02/25/2008 16:49:46			
PACER Login:	us3877	Client Code:	
Description:	Docket Report	Search Criteria:	2:08-cv-00944-JVS-FMO
Billable Pages:	1	Cost:	0.08

I hereby attest and certify on *2-25-08*
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Marlene Romay
DEPUTY CLERK



(7.)

Name

GEORGE S. BROWN

Prison Identification/Booking No.

F 823637

Address or Place of Confinement

C.C. 1500 S. State St. 1000 East Ash
Stockton, CA 95213

Note: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.

UNITED STATES
CENTRAL DISTRICT

Full Name (include name under which you were convicted)

GEORGE S. BROWN

Name of Warden, Superintendent, Jailor or Authorized Person Having Custody of Petitioner

REED, D. BROWN

2008 FEB 12 AM 9:43

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY (HR)

530 Fee Paid

DISTRICT COURT
OF CALIFORNIA

CASE NUMBER:

CV 08-944 JVS (FMO)

To be certified by the Clerk of the United States District Court

AMENDED

PETITION FOR WRIT OF HABEAS CORPUS
BY A PERSON IN STATE CUSTODY

28 U.S.C. § 2254

Place/County of conviction
Previously filed, related cases in this District Court
(use case number)
CV

INSTRUCTIONS - PLEASE READ CAREFULLY

1. To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California State Court, or will be serving a sentence in the future under a judgment against you in a California State Court. You are asking for relief from the conviction and/or the sentence. This form is your Petition for relief.

2. In this Petition, you may challenge the judgment entered by only one California State Court. If you make a false statement of fact entered by a different California State Court, you must file a separate Petition.

3. Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.

4. Answer all the questions. You do not need to cite case law, but you do need to state the legal theories and/or facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.

5. You must include in this Petition all the grounds for relief from the conviction and/or sentence that you challenge. You must state the facts that support each ground. If you fail to set forth all the grounds in this Petition, you may be denied relief and additional grounds at a later date.

6. You must pay the filing fee. If the fee is paid, your Petition will be filed. If you cannot afford the fee, you may substitute in forma pauperis (as a Poor Person). To do that, you must fill out and sign the declaration at the bottom of the form. Also, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account at the institution. If your Prison account exceeds \$25.00, you must pay the filing fee.

7. When you have completed the form, send the original and two copies to the following address:

CLERK OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES COURTHOUSE

ATTN: INTAKE / DIRECT SECTION

312 NORTH SPRING STREET
LOS ANGELES, CALIF. 90012

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)

Page 1 of 10

LODGED

CLERK, U.S. DISTRICT COURT

FEB 11

4:00

CENTRAL DISTRICT OF CALIFORNIA
BY AV-69 10/05/05 DEPUTY

2/13/2008 2:14:18 PM Receipt #: 104343
Cashier : ABELLAMY [LA 1-1]
Paid by: CITY OF SHAFTER
2:CV08-00944
2008-086988 Writ Habeas Corpus(1)
Amount : \$5.00

Check Payment : 84926 / 5.00
Total Payment : 5.00

836900

THIS PETITION CERTIFIES:

1. Information and/or sentence.
2. Prison discipline.
3. A parole problem.
4. OTHER

(3) COPY

PETITION1. Venuea. Place of detention: ~~San Quentin State Prison~~b. Place of conviction and sentence: ~~San Quentin State Prison~~2. Conviction on which the Petition is based (a separate Petition must be filed for each conviction being attacked):a. Nature of Offense's involved (include all counts): ~~Aggravated Robbery~~
~~PROPERTY - ROBBERY~~b. Penal or other code section or sections: ~~Aggravated Robbery~~c. Case number: ~~Case 229072~~d. Date of Conviction: ~~8/1/05~~ ~~7/26/2007~~e. Date of Sentence: ~~7/26/2007~~f. Length of Sentence on each count: ~~16 mos. with 2 yrs.~~g. Plea (check one): Not guilty~~Not guilty~~ Nolo contendereh. Kind of trial (check one): jury judge only3. Did you appeal to the California Court of Appeals? ~~Appeal pending~~~~Appeal~~ No

If so, give the following information for your appeal (and attach a copy of the court appeal document if available):

a. Case number:b. Grounds raised (list each):

(1) _____

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE PRISON (28 U.S.C. § 225)

CV-69 (DA/05)

Page 2 of 10

(3) _____
 (4) _____
 (5) _____
 (6) _____

(3) COPY!

C. Date of Decision:

□ Result _____ Date _____

2/27/2007

4. If you did appeal, did you also file a Petition for Review with the California Supreme Court or the Court of Appeal? Yes No

If so, give the following information (and attach copies of the Petition for Review and the Supreme Court ruling if available):

a. Case number: 850151

b. Petition for Review (if applicable): 50 Percent Discrepancy Subdivision (n)

(1) re Sheriff, Alameda C.D.P.A.: (California Hotel & Motel Assoc.), Supt. 25 Cal. 2d 8212.

(2) re "GATEKEEPER" Miss. Stating Plaintiff can expire he was going to get his

(3) Sentence reduced to "50 Percent?"

(4) _____

(5) _____

(6) _____

C. Date of decision

D. Result

5. If you did NOT appeal:

a. State your reasons

Same as above

b. Did you ~~ever~~ ~~plan~~ ~~consider~~ to file a writ of habeas corpus? No

6. Have you previously filed any habeas petitions in any state court with respect to this judgment of conviction? No

If so, give the following information for each such petition (use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available):

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE COURT (28 U.S.C. § 2241)

CV-69 (04/05)

Page 3 of 10

(3) Date filed (or if mailed, the date the Petition was turned over to the Prison Authorities for mailing):

(4) Grounds raised (list each):

(a)

(b)

(c)

(d)

(e)

(f)

(3) copy!

(5) Date of decision:

(6) Result

(7) Was an evidentiary hearing held? ~~None~~ NO

(1) Name of Court:

(2) Case number:

(3) Date filed (or if mailed, the date the Petition was turned over to the Prison Authorities for mailing):

(4) Grounds raised (list each):

a)

b)

(d)

(p)

(f)

(3) COPY

(5) Date of decision: _____

(6) Result _____

(7) Was an evidentiary hearing held? No

7. For this Petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than five grounds. Summarize briefly the facts supporting each ground. For example, if you are claiming ineffective assistance of counsel, you must state facts specifically setting forth what your attorney did or failed to do.

CAUTION: Exhaustion Requirement: In order to proceed in federal court, you must ordinarily first exhaust your state court remedies with respect to each ground on which you are requesting relief from the federal court. This means that, prior to seeking relief from the federal court, you first must present all of your grounds to the California State Courts.

a. Ground One: Same as 1)

(1) Supporting Facts: _____

(2) Did you raise this claim on direct appeal to the California Court of Appeal? No(3) Did you raise this claim in a Petition for Review to the California Supreme Court? No(4) Did you raise this in a habeas Petition to the California Supreme Court? Nob. Ground Two: Same as 1)

(1) Supporting Facts: _____

(2) Did you raise this claim on direct appeal to the California Court of Appeal? No(3) Did you raise this claim in a Petition for Review to the California Supreme Court? No

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. 2241)

PLAINTIFF:

Case 3:08-cv-00376-W-CAB Document 1 Filed 02/27/2008 Page 12 of 49
Case 2:08-cv-00944-JVS-FMO Document 1 Filed 02/12/2008 Page 7 of 42 NO

c. Ground three: 50 percent interest in Par 3000, Subdivision (a)

re 3 issues: ABBEY COFFEE (California Hotel Motel Assn. B-2272000-31200-202)

(1) SUPPORTING FACTS:

LS "Par 3000" didn't notice missing his hotel in 2003. Shaded
got his portion reduced to "50 percent"

(2) Did you raise this claim on direct appeal to the ~~California Court of Appeals~~ NO

(3) Did you raise this claim in a petition for review to the ~~California Supreme Court~~ NO

(4) Did you raise this claim in a habeas petition to the ~~California Supreme Court~~ NO

d. Ground four: Same as 3 of 10

(1) SUPPORTING FACTS:

(2) Did you raise this claim on direct appeal to the ~~California Court of Appeals~~ NO

(3) Did you raise this claim in a petition for review to the ~~California Supreme Court~~ NO

(4) Did you raise this claim in a habeas petition to the ~~California Supreme Court~~ NO

e. Ground five: Same as 3 of 10

(1) SUPPORTING FACTS:

(2) Did you raise this claim on direct appeal to the ~~California Court of Appeals~~ NO

(3) Did you raise this claim in a petition for review to the ~~California Supreme Court~~ NO

(4) Did you raise this claim in a habeas petition to the ~~California Supreme Court~~ NO

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2251)

CV-109 (04/05)

Page 6 of 10

(7) Was an evidentiary hearing Yes No

10. Do you have any petitions now pending (i.e., filed but not yet decided) in any state or federal court with respect to this judgment of conviction Yes No

If so, give the following information (and attach a copy of the petition if available):

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): _____
- (4) Grounds raised (list each):
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____
 - (e) _____
 - (f) _____

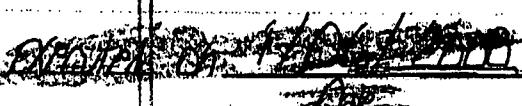
11. Are you presently represented by counsel Yes No

If so, provide name, address and telephone number: _____

WHEREFORE, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.







PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)

CV-69 (DA/05)

Page 8 of 10

S159451**SUPREME COURT
FILED****IN THE SUPREME COURT OF THE
STATE OF CALIFORNIA**

DEC 28 2007

Frederick K. Ohlrich Clerk

THE PEOPLE

) D0520T8 Deputy

Plaintiff & Respondent)

v.

) Super.Ct.

) #SCN229073

GENARO SANGUINO

)

Defendant & Appellant)

PETITION FOR REVIEW

Mr. Genaro Sanguino
#F-82737
C.C.F. Shafter
1150 East Ash Street
Shafter, CA 92363

CALIFORNIA APPELLATE COURTS

Case Information

[Welcome](#)**4th Appellate District Division 1 (Cases
begin at D035601)**[Change court](#)[Search](#)

Court data last updated: 12/28/2007 11:05 AM

[E-mail](#)[Case Summary](#) [Docket](#) [Scheduled Actions](#) [Briefs](#)
[Disposition](#) [Parties and Attorneys](#) [Trial Court](#)[Help](#)[Options](#)

Docket (Register of Actions)

The People v. Sanguino**Case Number D052018****CJC**[home](#)

Date	Description	Notes
11/20/2007	Motion filed.	For Late Notice of Appeal
11/27/2007	Dismissal order filed.	On its own motion, the court takes judicial notice of San Diego Superior Court file SCN229073. Defendant's "Motion for Requesting a Late Notice of Appeal" received on November 20, 2007, is DENIED. The appeal is DISMISSED. McConnell, PJ

[Click here to request automatic e-mail notifications about this case.](#)*1 COPY*

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**THE STATE BAR
OF CALIFORNIA**

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

OFFICE OF THE CHIEF TRIAL COUNSEL

TELEPHONE: (213) 765-1000
TDD: (213) 765-1566
FAX: (213) 765-1108
[HTTP://WWW.CALSRC.ORG](http://www.calsrc.org)

October 30, 2007

Mr Sanguino Genaro
#F82737 C.C.F. Shafter
1150 East Ash St
Shafter, CA 92363

RE: YOUR COMPLAINT AGAINST A CALIFORNIA ATTORNEY

Reference Number: **P09**

Dear Mr Genaro:

This will acknowledge receipt of your correspondence dated Oct 25, 2007, wherein you complained about an attorney.

However, in your correspondence you neglected to identify the attorney. Please furnish this office, in writing, with the name, address and telephone number of this attorney.

Please note the reference number above and refer to this number on your reply.

Your complaint will be processed immediately upon receipt of this information.

Sincerely,

Coordinator of Records



Superior Court of California County of San Diego

NORTH COUNTY DIVISION
325 S. MELROSE
VISTA, CA 92081

CRIMINAL RECORDS
Phone: (760) 726-9595

October 25, 2007

Genaro Sanguino, F82737-3141
CCF Shafter
1150 East Ash Street
Shafter, CA 92363

Re: Sentence Modification

Dear Mr. Sanguino,

The court is in receipt of your letter requesting a reduction of your sentence. Your case was submitted to Judge Goldstein for review. Based on his findings, your request has been denied. Please see the enclosed Ex-Parte document for a review of Judge Goldstein's decision.

Sincerely,

S. Dunn

S. Dunn
Court Operations Clerk

COURT OF APPEAL - STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

THE PEOPLE,
Plaintiff and Respondent.

v.
GENARO SANGUINO,
Defendant and Appellant.

D052018
San Diego County No. SCN229073

NOV 27 2007

THE COURT:

On its own motion, the court takes judicial notice of San Diego Superior Court file SCN229073. Defendant's "Motion for Requesting a Late Notice of Appeal" received on November 20, 2007, is DENIED. The appeal is DISMISSED.

McConnel
Presiding Justice

cc: All Parties

**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)

Location: Institution/Parole Region	Log No.	Category
1. CCF Shaffer	1. _____	_____
2. _____	2. _____	_____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Sanguino	F-82737	Dawn. Porter	3141

A. Describe Problem: I was told by my attorney, DPP, I arrived here that if I stay discipline-free for four & six months, I could apply for the remittance of my sentence in which I received a L.S.S. as they converted 2900-5 thru 4019 credits, I believe that isn't the agreement.

If you need more space, attach one additional sheet.

B. Action Requested: I am asking the "removal analysis" that's in my transcripts, stating, I would do 50 percent, I phrase the L.S.S. how they charged, it only do credit reduction.

Inmate/Parolee Signature: Sanguino Genaro

Date Submitted: 10/29/07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

09/20/2007 21:35

AVVATE COPY

LEGAL STATUS SUMMARY		TYPE	P	CCF	BIRTHDATE	
CDC NUMBER	NAME				ETHNIC	
F82737	SANGUINO, GEMAR, XIMELLO				HIS	09/16/1981
TERM STARTS	MAX REL DATE	MIN REL DATE	MAX ADJ REL DT	MIN ADJ REL DT	PAROLE PERIOD	
07/26/2007	08/11/2008	05/27/2008	08/11/2008	05/27/2008	1-3 yrs	
CASE TERM	1/04	+ ENHCMNTS	0/00	= TOT TERM	1/04	

PRE-PRISON + POST SENTENCE CREDITS

CASE	F2000-5 P1200-3 P2000-1	CRC-CRED	MN-CRED	P4010	P1931	POST-SENT	TOT
SCN229073	66				92	6	104

PC296 DNA COMPLETED

RECV DT / COUNTY / CNT	CASE DWF-CODE	SENTENCE DATE DESCRIPTION	CREDIT CODE	OFFENCE DATE
---------------------------	------------------	------------------------------	----------------	-----------------

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

CONTROLLING CASE -

7/26/2007 SD	SCN229073	7/19/2007	NO STRIKES: 2	
02 P496(A)	RSP			0 05/15/2007
	ATT			

TRAN TYPE	DATE	CHG DATE LOG NUMBER	RULE NUMBER	P A Y S ASSESS LOST REST DEAD
--------------	------	---------------------	----------------	----------------------------------

BEG 07/26/2007		*****BEG BAL*****	
ADD 07/26/2007		SCN229073	
CURRENT FG BALANCE:	0	CURRENT BC BALANCE:	76

1. IN The Supreme COURT of the
 2. State California "LOS ANGELES".
 3. (1)

4. PG2237

5. GENEVIEVE SAN DIAZ
 6. petitioner

7. VS The -- [Municipal Superior]
 8. Court of the State of Calif.
 9. County of San Diego,
 10. et al. Campbell
 11. People of Resident
 12. the State of Calif.
 13. "Hirshen"
 14. Real Party in Interest

15. _____

16. _____

17. [1] "Pet" Line 1 (5.) ask the counts to
 18. "hear petition or writ" "enclosed copies to the
 19. Case submitted."

20. _____

21. _____

22. _____

23. _____

24. _____

25. _____

26. _____

27. _____

28. _____

NO. SCN-229073

Motion for:
PETITION for
Review.

2.

3.

4.

5.

6.

2d. Crim

(2.)

7. Superior Court8. No. Ct. No. SN-229073

9.

10.

11.

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COPY'S

CERTIFICATE OF SERVICE

COPY!

Cases Name: SAN QUINTOCase No.: SN-229073

IMPORTANT: You must send a copy of all documents filed with the court and any attachments to counsel for all parties in this case. You must also file a Certificate of Service with this court telling us what you have done so. You may use this Certificate of Service as a master copy fill in the title of the document you are filing and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the Certificate of Service to each of the copies and the copy you file with the court.

Motion for: "PETITION Review"
"Parties, and authorities"

I certify that a copy of the

(Name of document you are filing,
i.e., opening brief, motion, etc.)

and any attachments was served, either in person or by mail, on the person listed below.

Sanguiño Genaro X.

Signature

Notary NOT required

NameAddressDate ServedCalifornia Supreme
Court311 S. Spring St.
Los Angeles, CA, 9001312/13/07

2.

(3)

3. GENARO SANGUINO

4. -- [Name] --, defendant and petitioner, hereby petitions
5. this court for review of the [Published / Partially
6. Published / Unpublished] [Opinion/Order] of
7. the Court of Appeal, Fourth District Appellate District,
8. Division Four , filed on or [date] 25, affirming ✓
9. [Specify] Order or Judgment] ✓. A COPY of the ✓ [
10. Opinion/Order] ✓ of the Court of Appeal is attached
11. hereto as Exhibit A. ✓ [and a copy of ~~2007~~ the Order
12. of Partial Publication is attached hereto as
13. Exhibit B] ✓ [A Petition for rehearing was
14. denied on 27 [date] November 2007.]
15.
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20. Signature: Sanguino Genaro X.
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23. Print: Sanguino Genaro X.
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25. Date: 12/13/07
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Certificate of ServiceCOPY!Case Name: SanGvinto v.Case No.: SCN. 229073

IMPORTANT: You must send a COPY of ALL documents filed with the court and any attachments to counsel for ALL parties in this case. You must also file a Certificate of Service with this court telling us that you have done so. You may use this Certificate of Service as a master copy, fill in the type of the document you are filing and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the Certificate of Service to each of the copies and the ones you file with the court.

MOTION for: SUPPORT of
LAW NOTICE of APPEAL

I certify that a COPY of the

(Name of document you are filing,
i.e., Opening brief, Notice, etc.)

and any attachments were served, either in person or by mail, on the person listed below.

Sangvinto George X
 Signature

Notary Not required

NameSuperior Court of
Calif, Northco DivisionAddress325 S. Melrose Dr
Vista, CA 92081Date served

10/20/07

3.F.82737 SAN GUIN

Enjoy!

4. V. Plaintiff,

CASE NO. SCN 229073

5. The People of the State

6. *EF Calif. Department,*

7. "Hipksp"

Notice for: Support of Lot
Notice of Appeal.

(1)

Federal Procedure, Lawyer Edition

DATA BASE UPDATES JUNE 2006

12. Chapter 15. Immigration, Naturalization, and Nationality

13. 1/10 Part 6. Apprehension and Removal Application

13. XV. Inspection, Detention and Deportation, Amalgamation and Removal of Inadmissible and deportable Aliens

B. Procedure for Removal of Alien's

3. Approaching and Opting for

3. APPREHENSION AND DEPORTATION OF ALIENS

17. COPI. (C) WEST 2006 NO. CHIM 4 ORIG. U.S. GOVT.

R. WORKS

19.

20.

21. Certificate of Relief from Disabilities issued by New
22. York court in which alien was convicted of "Aggravated
23. Felony" did not immunize him from deportation con-
24. sequences of his conviction; although Certificate was
25. designed to mitigate consequences of conviction, it
26. did not exonerate or expunge the underlying conviction.
27. *Mulgalli v. Ashcroft*, 258 F.3d 52 (2d Cir. 2001).

28

1.
2. "petitioner"
3.

4. (2)

5. prevent alien from being deported on that basis; even
6. previous conviction qualified as "conviction" under the
7. Immigration and Nationality Act (INA), where conviction
8. was not within scope of Federal First Offender Act and
9. continued to qualify as "conviction" for some purposes
10. under California law. Perez-Pastrana v. I.N.S., 287
11. F.3d 1172 (9th Cir. 2002).

12.

13. Order of removal. [FN36]

14. In addition to satisfying those three statutory eligibility
15. requirements, an applicant for relief under 8 U.S.C.A. §
16. 1229b (2) must establish that he or she warrants such re-
17. lief as a matter of discretion. [FN37] The general standard's
18. development in matter of Marin, I & N Interim Dec No. 2 (Colo.,
19. 1978) WL 316172 (BIA 1978), for the exercise of discretion
20. under 8 U.S.C.A. § 1182 (c), which was the predecessor
21. provision to 8 U.S.C.A. §.

22.

23. Improper retrospective application of the 1990 Immigration and
24. Nationality Act (INA) amendments to Flores case, which
25. resulted in treatment of 1990 burglary of a vehicle con-
26. viction as an aggravated felony, violated alien's due process
27. rights, and therefore rendered his removal proceedings final/
28. unconstitutionally unfair, as would permit alien to collaterally attack

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4. (3) "Petitioner"

5. underlying deportation order upon being charged
 6. with illegal reentry into the United States; if an alien has
 7. had not been retroactively applied at time of
 8. alien's removal proceeding, he must have applied
 9. for discretionary relief from deportation order. U.S.V.
 10. Dorinda Escobar, 218 F. SUPP. 2d 839 (W.D. TEX. 2002).

11.

12. Appeals - 15: 1633

13. An appeal will not lie from a denial of an application
 14. for voluntary departure, but a denial is without precluding
 15. to the alien's right to apply to the immigration judge
 16. for voluntary departure in accordance with 8 CFR §
 17. 240.26 or for relief from removal under any provision
 18. of law. [Fn 44]

19.

20. "Petitioner"

21. maximum possible penalty for alien's unclassified
 22. offense of theft, which resulted in sentence of probation
 23. and which was designated a misdemeanor following
 24. her completion of probation, was six months, which was
 25. maximum possible punishment for misdemeanor under
 26. Arizona law, not 18 months, which would have been
 27. maximum sentence if offense had been designated a

28

1. (5)

2. "Remainder"

3. § 95: 1649. Aliens imprisoned, arrested, or on parole
4. Supervised release, or probation -- except for removal of
5. non violent offenders prior to completion of prison
6. sentence.

7. 9.

10. The Attorney General is authorized to remove an alien in
11. accordance with applicable procedures under the INA before the
12. alien has completed a sentence of imprisonment.

13. (1) in the case of an alien in the custody of the Attorney
14. General, if the Attorney General determines that: (a) the
15. alien is confined pursuant to final conviction for a
16. non violent offense (other than an offense related to smuggling
17. or harboring of aliens or an aggravated felony offense
18. prescribed in 8 U.S.C.A. § 1101(a)(13)(B), (C), (E), (I), or (L);
19. and (b) the removal of the alien is appropriate and in
20. the best interest of the United States; or [FN94] 8 U.S.C.A. §
21. 1231(a)(1)(B).

22. Aliens conviction for violating a statute that
23. punished activities relating to "manufacturing, processes" did not
24. render him removable for being convicted of violating a law
25. "relating to a controlled substance". Lam-Charon v. Ashcroft, 345
26. F.3d 1148 (9th Cir. 2003), as amended, (Nov. 6, 2003).

27.

28. Dated: 10/30/07

Signature: Serguino Gerosa X

Print: Serguino Gerosa X

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Graham Vincello Sanguino
F.82787 CAR, Plaintiff

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Case Number

SCN 229073

NOTICE for: Requesting

"a Late - Notice of Appeal."

Defendant

Redressing "motion, requesting 50 percent sentence" under Notice of Request to Recall Sentence (Pen C. § 1170 (d)) through Misrepresentation of Counsel, didn't advise Plaintiff, who doesn't "English" understand the furnished language as to the "Lies" either, or. As [Y]ou made "Plaintiff" believe he would do 50% of sentence.

Cite: Pursuant to PC Section 2933 (CCR 3043.1) as of "PC / Credits"

"Petitioner" Cited: Holder v Superior Court of San Diego (1970) 1 C3d 779, 83 Cal Rptr. 353, 463 P2d 707

Alahis v. Superior Court of Los Angeles (1970) 1 C3d 781, 83 Cal Rptr 355, 463 P2d 707

2. "Petitioner" cited: In re May (1976)
3. 62 CA 3d 165, 133 CR 33 (Offense declared Misdem)
4. error by Legislature;
5. "Note"
6. than the original. People v. Branch (1987) 193 CA 3d
7. 957, 961, 238 CR 697; People v. Grinello (1981)
8. 116 CA 3d 678, 685, 172 CR 362
9.
10. See In re Sahlol (1966) 69 C 2d 412, 418,
11. 50 CR 462 (Prospective). See People v. Superior
12. (Oliver) (1923) 135 CA 562, 27 82d 670.
13.
14. A minute entry converted; Bagnit v. Superior
15. Court (1961) 230 CA 2d 874, 41 CR 480);
16.
17. "Petitioner" cited: 38.31 E. Vacancies or
18. Converting void sentence; People v. Chagolla
19. (1983) 121 CA 3d 422, 434, 193 CR 711
20.
21. "Petitioner" Cochran XIMENO Sah GUND issue is
22. arising about the "2 strikes" See also
23. People v. Ross (1991) 28 CA 4th 1151, 33
24. CR 2d.
25.
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3. "Repetition" Cited:

4. The record reflect a commitment
5. (1976) 59 CA 3d 831, 131 CR 104.

6.

7. Huerta Grevana v. Ashcroft, 321 F.3d 883, 888 (9th
8. Cir. 2003). United States v. Congreso Sanchez, 291 F.3d
9. 1201, 1212 (9th Cir. 2002) (per curiam).

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11. Noticeable tension in our recent caselaw. Chahal v.
12. INS, 307 F.3d 1185, 1191 (9th Cir. 2002).

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3. Dix v. Superior Court (1991) 53 Cal 412, 279
 4. Cal Rptr 834, 807 82d 1003.

5. The Ruling on the Motion was in Excess of the
 6. Respondent court's "Jurisdiction" Extraordinary Relief.

7. "Petitioner" cited: E.G. Lister v. Superior Court
 8. (* 1979) 98 Cal. App. 3d 69, 71-72;

9. People v. Municipal
 10. Court (Getardi) (1978) 84 Cal. App. 3d 692, 693;
 11. People v. Superior Court (C 02050) (1977) 69 Cal. App.
 12. 3d 57, 61. (overruled on other grounds at 21 Cal. 3d
 13. 587.)

14. People v. Warner (1978) 20 Cal. 3d 678, 683.)
 15. State Farm Inc. v. Superior Court (1956) 47 Cal. 2d
 16. 428, 432.) as pursuant to.

17. "Daily Journal, Daily Appellate Report / 10376
 18. 9th U.S. Circuit Court of Appeals"
 19. No. C 040237 (Super. Ct. No. 00CS01398)
 20. California Court of Appeal Third Appellate
 21. District (Sacramento) filed 9, 11, 2003.

22. Signature: Sanguino Genaro X.
 23. Date: 10/8/07 Print: Sanguino Genaro X.
 24. ss/sgs

PROOF OF SERVICE BY MAILBY PRISONER "IN PROPER"COPY!

1 I hereby certify that I am over the age of 18 years of age, that I am representing myself, and that
 2 I am a prison inmate.

3
 4 My prison address is: California State Prison -
 5 Housing: 3/41

6 Shafter California, 92363

7
 8 On the "date" specified below I served the following document(s) on the parties listed below by
 9 delivering them in an envelope to prison authorities for deposit in the United States Mail pursuant to
 10 the "Prison Mailbox Rule":

11 Case Name: San Gaudio Case #: SCN 229073

12 Documents(s) served: Motion for: "APPOINTING 50 Percent
 13 Sentencing"

14
 15 The envelope(s), with postage fully pre-paid or with a Prison Trust Account withdrawal form
 16 attached pursuant to prison regulations, was/were addressed as follows:

17 Honorable Judge Residing
 18 Superior Court of California
 19 North County Division
 20 325 So. Melrose Drive
 21 Vista, CA, 92081

22 I declare under penalty of perjury that the foregoing is true and correct. This declaration was
 23 executed on 9/14/07, Shafter California.

24 "date"

25 Signature: SG

26 Printed Name: _____

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5. Graham Ximelio Sanguino
6. F.82737 CAR. Plaintiff

7.

8. The People of the State
9. of California,

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11. "Hickford"

12. Defendant13. Case Number
14. SCN 22907315. MOTION for: Requesting16. "a C&P - Notice of Appeal."

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2 by this act. (Added by Initiative Measure (Prop. 21, S. 16,
3
4 approved March 7, 2000).)

5 Note: Authority Cited: Sections 5258, and 2930-2935, et
6 seq., Penal Code. Reference: Sections 6607, 6607.5,
7 1169, 1170, 1170.12, 1203, 2900.1, 2900.5 and 5054
8 , Penal Code; and Section 1782, Welfare and Institutions
9 Code; and People v. Caceres (1997) 52 Cal. APP 4th
0 106, 60 Cal. Rptr. 2d 415, People v. Buchalter (2001)
1 270 Cal. 4th 994 A, 108 Cal. Rptr. 2d 625, and
2 People v. Superior Court (Romero) (1996) 13 Cal
3 497, 53 Cal. Rptr. 2d 789. II. The section 1192.5
4 Standard" 2 (People v. Hofford, Supra, 10 Cal. 4th
5 at P. 1182, fn. 11.) (ABA Project on Min. Stds for Crim
6 Justice, Standard relating to Pleas of Guilty
7 (Approval Draft 1968) (on. on § 16, P. 33.)

8 [I] enclose COPY of Abstract of Judgment SCN 229073
9 Crim min's judgment SCN 229073

10 Signature: Sanguino Genaro

11 Date: 9/14/07

12 Print: Sanguino Genaro

Name

SAN GUNDO, GENARDO. Ximello

3/41

Address

CCF. Shafter 1150 East Ash St

Shafter, CA 93263.

Case or Docket Number

F. 82937

Superior Court of Calif,
North County Division 325 SD. Motto SP 2D
Vista, CA, 92081
(Court)

SAN GUNDO, GENARDO. Ximello

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner

The People of the ^{vs.} State of Calif,

No.

(To be supplied by the Clerk of the Court)

Respondent

"Ximello"

INSTRUCTIONS - READ CAREFULLY

- € If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- € If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- € Read the entire form before answering any questions.
- € This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- € Answer all applicable questions in the proper space. If you need additional space, add an extra page and indicate that your answer is "Continued on additional page."
- € If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- € If you are filing this petition in the Court of Appeal, file the original and four copies.
- € If you are filing this petition in the California Supreme Court file the original and thirteen copies.
- € Notify the Clerk of the Court in writing if you change your address after filing your petition.
- € In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1175 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rules 56.5 and 201(h)(1) of the California Rules of Court [as amended effective January 1, 1999]. Subsequent amendments to Rule 44(b) may change the number of copies to be furnished the Supreme Court and Court of Appeal.

Form Approved by the
Judicial Council of California
Op. 100-00001, 1-1999

PETITION FOR WRIT OF HABEAS CORPUS

THE PEOPLE
WESTReport Code, § 897.7(b)(5)(a)
Cal. Rules of Court Rules 56.5, 201(h)

This petition concerns:

A conviction Parole
 A sentence Credits
 Jail or prison conditions Prison discipline
 other (Specify): _____

1. Your name: SANGUINO, GENARO. XINELLO2. Where are you incarcerated? CCF. Shafter3. Why are you in custody? Criminal conviction Civil commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for Civil commitment if, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

RECEIVED - STEPH PROPERTYb. Penal or other code sections: P. 496 (A)c. Name and location of sentencing or committing court: Superior Court of Calif. North CountyDivision 325 S.D. Melrose Dr. Vista, CA, 92081d. Case number: SCN 229073

e. Date convicted or committed

f. Date sentenced:

g. Length of sentence: 16 mos with 80 %h. When do you expect to be released? MAY, 28, 2007i. Were you represented by counsel in the trial court? Yes. No. If yes, state the attorney's name and address:R.D - Campbell

4. What was the last plea you entered? (check one)

 Not guilty Guilty Nolo Contendere other: _____

5. If you pleaded not guilty, what kind of trial did you have?

 Jury Judge without a jury Submitted on transcript Award trial

MC-275

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State Ground 2 on the first page. For additional grounds, make copies of this form and number the additional grounds in order.)

L.S.S. & Minns transcripts

b. Supporting facts:

Tell your story briefly without citing cases or law if you are challenging the legality of your conviction. Describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming ineffective assistance of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to attach sufficient facts will result in the denial of your petition. (See In re Spain (1999) 34 Cal. 2d 300, 304.) A rule of thumb is to follow this: who did exactly what to violate your rights at what time (when) at place (where). If available, attach otheriations, relevant transcripts, or other documents supporting your claim.

50 Percent Discretion and Progress Subdivision (h) requires
ARB & CDFA: (California Hotel & Motel Assn.,
Supra, 25 Cal. 3d at p. 212.)

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the case or other authorities that you think are relevant to your claim, if necessary. Attach an extra page.)

Same as "c."

7. Ground 2 or Ground _____ (if applicable):

Same as in Pg. - 3 of 6 (2)

a. Supporting facts:

Is "SABRINA MINE" stating married him
before he was going to do his sentence
reduced to "50 Percent."

b. Supporting cases, rules, or other authority:

Same as in Pg. - 3 of 6 (2)

- 8. Did you appeal from the conviction, sentence, or commitment? Yes. No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Court, or Superior Court"):

North County Division

Superior Court of Calif.

b. Result

ND. ANSWERED 10-8-07

c. Date of decision:

d. Case number or citation of opinion, if known:

e. Issues raised: (1)

(2)

(3)

f. Were you represented by counsel on appeal? Yes. No. If yes, state the attorney's name and address, if known:

g. Did you seek review in the California Supreme Court? Yes. No. If yes, give the following information:

a. Result

b. Date of decision:

c. Case number or citation of opinion, if known:

d. Issues raised: (1)

(2)

(3)

h. If your Petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative Review:

a. If your Petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your Petition, even if it is otherwise meritorious. (See *In re Moszalski* (1975) 52 Cal. App. 3d 500, 725 (Cal. App. 2d).) Explain what administrative review you sought or explain why you did not seek such review:

b. Did you seek the highest level of administrative review available? Yes. No.

Attach documents that show you have exhausted your administrative remedies
meets (per January 1, 2007) PETITION FOR WRIT OF HABEAS CORPUS

Page 5 of 6

Case 2:08-cv-00944-JVS-FMO Document 1 Filed 02/12/2008 Page 40 of 42
 12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? Yes. If yes, continue with number 13. No. If no, skip to number 15.

13. a. (1) Name of court: _____

(2) Nature of proceeding (for example, "habeas corpus petition"): _____

(3) Issues raised: (a) _____

(b) _____

(4) Result (Attach order or explain why unavailable): _____

(5) Date of decision: _____

b. (1) Name of court: _____

(2) Nature of proceedings: _____

(3) Issues raised: (a) _____

(b) _____

(4) Result (Attach order or explain why unavailable): _____

(5) Date of decision: _____

c. For additional petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and **RESULT**

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this Petition. (See *In re Gault* (1964) 391 U.S. 108, 300, 304.)

16. Are you presently represented by counsel? Yes. No. If yes, state the attorney's name and address if known:

17. Do you have any petition, appeal, or other matter pending in any court? Yes. No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

I, the undersigned, say, I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as for matters that are stated on my information and belief. I as to those matters, I believe them to be true.

Date:

10/20/07

→ **Songvino Gencoco X.**
 (Signature of Petitioner)

Certificate of ServiceCOPY!

Case Name: San Giorgio v.
 Case No.: SCN-229073

IMPORTANT: You must send a copy of ALL documents filed with the court and ANY attachments to counsel for ALL parties in this case. You must also file a certificate of service with this court telling us that you have done so. You may use this certificate of service as a master copy, fill in the title of the document you are filing and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the certificate of service to each of the copies and the copy you file with the court.

"Petition for writ of Habeas Corpus"
 "Enclosed" "Motion for: Support of Late Notice of Appeal"
 "Legal Status Summary" "Letter Re: Sentence
 Modification" "Motion for Requesting 50 Percent Sentence"
 "Motion for: Requesting a late notice of
 Appeal."

I certify that a copy of the

(Name of document you are filing,
 i.e., Opposing brief, Motion, etc.)

and ANY attachment's was served, either in person or by mail, on the person listed below.

San Giorgio George X
 Signature

Notary not required

Name	Address	Date Served
The State Bar of Calif	1149 South Hill St LOS ANGELES, CALIF. 90015-2209	11/06/2007



SHERRI R. CARTER

District Court Executive
and Clerk of Court

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8 Los
Angeles, CA 90012
Tel: (213) 894-7984

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Tuesday, February 12, 2008

GENARO SANGUINO
F82737
1150 E. ASH STREET
SHAFTER, CA 92363

Dear Sir/Madam:

A Petition for Writ of Habeas Corpus was filed today on your behalf and assigned civil case number
CV08- 944 JVS (FMO)

A Motion pursuant to Title 28, United States Code; Section 2255, was filed today in criminal case
number and also assigned the civil case number

Please refer to these case numbers in all future communications.

Please Address all correspondence to the attention of the Courtroom Deputy for:

District Court Judge _____

Magistrate Judge Fernando M. Olquin

at the following address:

U.S. District Court
312 N. Spring Street
Civil Section, Room G-8
Los Angeles, CA 90012

Ronald Reagan Federal
Building and U.S. Courthouse
411 West Fourth St., Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

U.S. District Court
3470 Twelfth Street
Room 134
Riverside, CA 92501

The Court must be notified within fifteen (15) days of any address change. If mail directed to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the case with or without prejudice for want of prosecution.

Very truly yours,

Clerk, U.S. District Court

By: HRASHAD
Deputy Clerk

FILED

2008 FEB 12 AM 9:47

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GENARO SANGUINO V. HIDALGO	PLAINTIFF(S) DEFENDANT(S)	CASE NUMBER CV08- 944 JVS (FMO) NOTICE OF REFERENCE TO A UNITED STATES MAGISTRATE JUDGE (Petition for Writ of Habeas Corpus)
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Pursuant to General Order 07-02, the within action has been assigned to the calendar of the Honorable James V. Selna, U.S. District Judge. Pursuant to General Order 05-07, the within action is referred to U.S. Magistrate Judge Fernando M. Olguin, who is authorized to consider preliminary matters and conduct all further hearings as may be appropriate or necessary. Thereafter, unless the Magistrate Judge determines that an evidentiary hearing is required, the Magistrate Judge shall prepare a report and recommendation and file it with the Clerk of the Court which may include proposed findings of fact and conclusions of law where necessary or appropriate, and may include a proposed written order or judgment, which shall be mailed to the parties for objections.

Pleadings and all other matters to be called to the Magistrate Judge's attention shall be formally submitted through the Clerk of the Court.

The Court must be notified within fifteen (15) days of any address change. If mail directed by the clerk to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the petition with or without prejudice for want of prosecution.

Clerk, U.S. District Court

February 12, 2008

Date

By HRASHAD

Deputy Clerk

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law or by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Genaro Sanguino

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Kern

2254	DEFENDANTS 1983
FILING FEE PAID	
Yes	No
MOTION PENDING	
Yes	No
COPIES SENT TO	
COURT	
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	

Hidalgo

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FEB 27 2008

DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Genaro Sanguino
1150 East Ash Street
Shafter, CA 93263
F-82737

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT
(For Diversity Cases Only))

Citizen of This State	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury- Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input checked="" type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding 2 Removal from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 2/27/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miller